

DISTRICT 14

2000 ANNUAL PRO BONO REPORT AND PLAN FOR 2001

A. ABSTRACT

1. Statement. As of this time, District 14 adopts the wording in Rules of Professional Conduct 6.5(a) as its mission statement C Ato promote equal access to justice for all Indiana residents, regardless of economic status, by creating and promoting opportunities for attorneys to provide pro bono civil legal services to persons of limited means.@

2. History of the District. This district had its first meeting on November 15, 1999, and will continue to meet on the second Tuesday of each month at 5:00 p.m. in the Clark Superior Court II until the formal board structure is in place on January 1, 2001.

3. Description of Current Legal Services Delivery System. The only funded provider of legal services in District 14 is Legal Services Organization of Indiana, Inc. (LSOI) which provides services in the counties of this district except for Orange County. Each county has varying degrees of pro bono representation. Floyd County's Bar Association developed a probono committee about 5 years ago and has 41 attorneys using the assistance of LSOI for a referral system. Four years ago Clark County started a group of 20 attorneys using the same system and forms. Harrison and Crawford County's combined bar just recently followed suit and has 12 attorneys involved. Orange, Scott and Washington County do not have any type of system for providing probono services. Isolated attorneys do provide services, but without any type of support system.

B. PERTINENT DATA

1. List of Members of District Pro Bono Committee as Set Forth in R.P.C 6.5(f)(1) (See attached list 1).

2. Governance. At this time the members of the Committee were nominated by the officers of their bar or asked by the appointed judge in compliance with Rule of Professional Conduct 6.5(f). At the current time the Committee includes at least one representative of each bar association in the seven counties, two members of the staff at LSOI, a member of the State Bar Association's Pro Bono Committee, two members of the judiciary, a member of the community who is a former recipient of pro bono services and a member of the community who is the executive director of an agency which represents

the homeless. This agency has been a recipient of pro bono legal services and legal services by LSOI. We also have representatives of Lifespan Resources (senior citizens), Workforce Development, NAACP, and the Step Ahead Council. The Committee is chaired by a Judge Cecile Blau, Clark County Superior Court II, designated by the Supreme Court to preside as chairperson.

a. Committee Composition. At the current time we propose a 21 member Committee. Proposed composition for membership suggests that 7 members should be non-lawyers and represent individuals who have received services, agencies which provide services for low income individuals and the general community. There shall be at least 7 lawyers who are designated representatives each of counties in the district. There shall always be at least one member on the committee from the staff of LSOI and one who is a member of the judiciary.

b. Sub-Committee Structure. Each member will serve on standing committees. At the current time the following committees exist: Recruitment, training and mentoring, public relations, client intake procedures, budget, funding sources, administration and evaluation. Specific task descriptions need to be developed for each committee.

c. Rotating membership. It is suggested that members serve three year terms with the right to have two consecutive terms. This procedure will start in January of 2001 and we will draw straws to determine the terms of the existing board members. These terms will be on the calendar year.

d. Meeting schedule. There shall be a 7 person executive committee which will meet monthly. This committee shall consist of the chairperson, a representative of LSOI, two lay members and three lawyers. At this time they are to be appointed by the chair from willing volunteers. The full advisory board will meet quarterly and will receive minutes of the executive monthly meetings.

3. History/Background. The District consists of Clark, Crawford, Floyd, Harrison, Orange, Scott and Washington counties. Legal Services Organization of Indiana, Inc. located in New Albany, Indiana is the only currently funded legal services provider. It has been in existence for approximately twenty years and despite a dwindling budget and staff provides service for 11 counties in southeastern Indiana including all counties in District 14, except for Orange County. Also LSOI has for 5 years been the coordinator of Floyd County's 41 member pro bono project, Clark County's 20 member pro bono project for 4 years and most recently for the Harrison/Crawford County 12 member pro bono project.

Floyd County has the best developed pro bono plans and a copy of their plan and procedure is attached. (See attached Exhibit 2) Clark, Crawford and Harrison have adopted this format and these forms. There was no formal plan for delivering pro bono services in Orange, Scott or Washington counties. This plan is intended to be used in all seven counties.

There have been other informal groups who have provided pro bono services. At Haven House, a homeless shelter located in Jeffersonville, a group of approximately 10 attorneys have informally provided services as requested by Haven House. These attorneys are listed on Exhibit 3. Harrison County Community Service has provided assistance in filling out forms for administrative agencies such as Social Security Disability. On occasion Haven House has received assistance from the National Law Center on Poverty and Homelessness as well as the Washington Law Clinic both located in Washington, D.C. Since the last report was tendered sixteen new attorneys have been added to the roles of participating attorneys.

4. Plan Administrator. For the first year, we propose hiring a paralegal to serve as the District Plan Administrator who would be housed at the Legal Services Organization of Indiana, Inc.'s office at 3303 Plaza Drive, Suite 5, in New Albany, Indiana. We do have a candidate, Brian Dotts, who is currently serving as a member of our committee and who is currently working on the staff of LSOI. Since we do not have confirmed funding, it is difficult to determine whether we can hire him.

a. Job Description. The plan administrator would be the director of the District 14 Pro Bono Program and would work directly with the Committee. The administrator would work with LSOI in screening cases as they come to LSOI which would serve as our intake office. He would work with recruiting, training and supervising the participating attorneys. He would assign the cases to the appropriate attorney and then provide assistance and support for that attorney. He would be in charge of establishing a library of appropriate forms and develop a directory of non-lawyer support services. He would also monitor the expenses involved and would assist the board in securing funding.

b. Salary and Funding. This position would be funded from a combination of IOLTA funds and private sources from the local community. At this time the basic salary with FICA and fringe benefits is estimated at \$26,000. (See the proposed budget exhibit 4.)

5. Collaboration with LSOI, Inc. District 14 has determined that LSOI, Inc.

will be the recipient or Agrantee@ of any IOLTA or grants received. They are currently the recipient of several grants and have the mechanics and safeguards set up to manage these accounts. The District Committee through a subcommittee has had the opportunity to visit the LSOI offices in New Albany, Indiana, where they observed the telephone intake interview of an individual seeking legal services, reviewed the case tracking and noted the record keeping methods used by LSOI for referred cases. The subcommittee also reviewed the forms used by LSOI to gather information, generate correspondence and track cases when making referrals to private attorneys. The subcommittee also had the opportunity to review their accounting system, their claims procedure and past audits.

a Past Internal Monitoring by LSOI. LSOI's joint pro bono programs began in 1994 and they continue to date with the Floyd, Clark and Harrison-Crawford County Bar Associations. In 1999, there were approximately 73 attorneys participating. Each attorney agreed to accept referrals from LSOI of income qualifying individuals requiring particular types of legal assistance. Managing these programs over the past six years, LSOI has developed procedures and forms to monitor referrals. These include:

1. Expressly adopted administrative procedures
2. Cross indexed list of attorneys, counties in which the attorney will accept a referral, and type of case the attorney will accept as a referral (see attached procedure form 2).
3. Probono case tracking which collects and records client name (by initials), attorney name, case type (by reference number), referral date, case closed date, and hours expended
4. Pro bono retainer agreement
5. Form correspondence for referral (initiate, conclude, update, evaluate, etc.)
6. Disposition form and Case closing report

b Proposed Monitoring Procedures and Recommendations. The District Committee has decided that our district should use the administrative procedures implemented by LSOI and their monitoring procedures. The Board does note that LSOI's technology is approximately 6 years old relying on computer programs based on DOS or Window for Work Groups. Case referral and tracking would be greatly enhanced by the modernization of LSOI's computer hardware and software. We will include a minimum amount for computer upgrade in the budget. If additional funds over the budget can be raised, more resources need to be allotted to this area.

C. 2000 ANNUAL REPORT: EXISTING SERVICES, PROGRAM, AND FUNDING SOURCES.

In November of 1999, District 14 submitted information concerning the then existing pro bono programs in the district. That submission should be used as a reference for this report.

D. 2001 ANNUAL PLAN

This District Committee met the first time on November 15, 1999, and has met monthly on the second Tuesday of each month as we put the rest of the plan together. The board is divided into subcommittees addressing different subject areas.

1. Potential Problems and Proposed Solutions. Each of the subcommittees has tried to address certain problems and barriers. A summary of their comments follow.

a Public Relations. The Public Relations Committee identified the following potential problems: 1. Recruitment of an adequate number of attorneys and other professionals necessary to continue and enlarge the program; 2. Have to weigh our ability to deliver services against our outreach efforts; 3. Limits of news media in outlying counties; and 4. Differences in approaches to pro bono work county by county. They addressed these problems by developing avenues to speak to the attorneys in groups and soliciting the assistance of judges to encourage lawyer participation; by creating presentations and written materials for presentation to groups servicing low income individuals; and by designing ways to recognize pro bono participants. (See the attached report 5)

b Finance Committee. The Funding Source Committee knew that financial resources would be a problem and they submitted the following report and attachments. (See attached report 5 from public relations and report 10 from recruitment.)

The Funding Sources Committee of the District 14 Pro-Bono Advisory Board was established to identify local resources to fund the District Plan for Pro-Bono Legal Services targeted to low income families and individuals. The Committee met on April 11, 2000 and initiated its work with an overview of the Indiana Pro-Bono Commission and the role and responsibilities of the District Committees. Those present then proceeded to identify local funding sources, cash and in-kind, appropriate to support a program which will benefit a broad and diverse segment of the population in the District 14 area.

United Way appears to be an excellent source of funding. Metro United Way covers three counties of District 14 including Clark, Floyd, and Harrison with Scott County United Way

covering a fourth county. Neither United Way entity currently funds legal services in Indiana so duplication of services, which is a major consideration, is non-existent. Metro United Way funds legal services in Louisville setting a precedent for Southern Indiana funding. Once a program has been admitted to United Way, funding is usually on-going which is extremely important for a program of this nature. Attached is a summary of United Way funding cycles and lists of Community Investment Teams who make funding decisions. **(Attachment A)**

Foundations appear to be a good source of funding to initiate the project. They generally do not provide on-going funds but are known for providing seed money especially for new, innovative programs. Foundations in the area cover Clark, Floyd, Harrison, Washington, Crawford, Orange, and Scott Counties. A summary of funding cycles for these foundations is attached along with a list of other foundations obtained from the Indiana University website. **(Attachments B & C)** District 14 Pro-Bono Advisory Board County Commissioners have funded some human service programs and could be approached for this project. An organized, area-wide appeal would seem best suited given the diverse nature of County Councils. Attached is a summary of County Commissioners for the seven county area. **(Attachment D)**

Other potential sources of funding include larger law firms, Bar Associations and the University of Louisville Law School for in-kind services. A major fundraiser, a lawyer's golf scramble involving participants from all counties in District 14, has been discussed by the Presidents of the Floyd and Clark County Bar Associations.

Attachment A

1. Metro United Way Venture Grant Funding

- a. Clark County - no venture funding in 1999
 - have already accepted proposals for 2000
 - not sure if they will accept proposals for 2001
- b. Floyd & Harrison Counties - RFP's available late June
 - decisions July/Aug....funding for Sept. 1

2. Grant Cycle for United Way of Scott County

Ed Caum, Executive Director
P.O. Box 227, Scottsburg, IN. 47170
(812) 752-2586 752-6760 Fax

website: <http://users.hsonline.net/scottuw> (forms & handbook)

- a. Regular Grant Cycle due mid-November annually.
- b. Washington, Orange, and Crawford do NOT have United Ways

3. Regular Grant Cycles for Metro United Way

United Way of Clark County
Michelle King, Director
P.O. Box 476, Jeffersonville, IN. 47131-0476
(812) 282-7587 282-1301 Fax

United Way of Floyd County & United Way of Harrison County
Barbara Bridgewater, Director
P.O. Box 1284, New Albany, IN. 47151-1284 (Floyd County)
(812) 944-3839 944-6736 Fax

P.O. Box 9, Corydon, IN. 47112 (Harrison County)
(812) 738-1213 738-0546 Fax

- a. Spring annually. New 2 year investments will result in little or no agency reviews in 2001.
- b. Each county determines whether or not to consider NEW program funding requests.

ATTACHMENT B

1. Funding Cycles for Foundations

- a. Harrison County Community Foundation (Harrison County)
Steven Gilliland, Executive Director
P.O. Box 279, Corydon, IN. 47112
(812) 738-6668 738-6864 Fax

- RFP's 2 times per year (Dec & June)
- decisions made by July 15
- website: www.hccfin.org

- b. Community Foundation of Southern Indiana (Clark, Floyd, Harrison, Crawford)
John Hartstern, Executive Director
4104 Charlestown Rd., New Albany, IN. 47150
(812) 948-4662 948-4662 Fax

Currently 1 grant cycle in the Fall - applications due in September. They are looking at adding a new cycle in the Spring of 2001.

Contact Person for Crawford County - James Bye, English State Bank (812) 338-2600

- c. Community Foundation of Scott County (splitting from CF Sou. IN.)
Barbara Timberlake, Executive Director
P.O. Box 25, Scottsburg, IN. 47170
(812) 752-2057 752-6760 Fax
sccf@scottsburg.com (requires logon i.d. and password)

One funding cycle annually. RFP's due in August - funds granted in November.
\$50,000 available - maximum grant is \$2,500.

- d. Community Foundation of Washington County
Jack Mahuron, Executive Director
210 N. Main St., Salem, IN. 47167
(812) 883-8803

Two funding cycles per year - Spring & Fall. Grants restricted to Washington County projects only. (The board will consider multiple county projects that include Washington County).

- e. Community Foundation of Orange County
Cindy Blorstead, Executive Director
P.O. Box 1235, Bedford, IN. 47421
(812) 279-2057

Two funding cycles per year - Spring & Fall.

- f. Other Foundations - (list of information found on the Internet from Indiana University SRS NetLink which contains information on Foundations and other funding sources. List is lengthy and you will want to browse the various web sites to determine if they are a viable funding source for your project.)

See Attachments C & D in Report 6

c. Training & Mentoring Committee. Because attorney participation is crucial to the program, several committees considered what would make it easier for attorneys to participate. The Subcommittee on Training and Mentoring submitted their attached report. (See report 7)

2. Basic Budget. The District Committee felt it needed to be realistic in setting a budget. Without any information as to the amount of moneys that could be allotted through the IOLTA funds, the Board anticipated that 25% of its budget or \$11,000.00 could be met through IOLTA and half from local private source. That leaves us with a 25% deficit at this time. It is not anticipated that this money will be on hand on January 1, 2001, however in any private solicitation, the request will be for funding as of that date. The total annual budget for 2001 is set at \$44,120.21. (See the attached report 4)

3. Related Programs.

(a) Teen Court. Through the leadership of Jerome F. Jacobi, Judge of the Clark County Superior Court No. 1, a Teen court has been developed. From January, 1999 through May, 2000, teens, school officials, teachers, local attorneys and judges participated in Teen Court, an alternative to prosecution in juvenile court. Actual cases from Superior 1 were tried by teens. Pro bono lawyers served as mentors to the teen advocates and as counselors for the families of the accused delinquent youths. The lawyers assisted the government teachers in preparing their class for Teen Court. Our district has determined that participation by the local legal community to the Teen Court is one way to satisfy pro bono responsibilities and we encourage our attorneys to participate. See the included packet provided by Judge Jacobi in report 9..

(b) Pro Se Clinics. The District Committee has also discussed Pro Se Clinics such as that in Ft. Wayne, Indiana, and run by the Volunteer Lawyers Program. A packet of materials was provided to our district. There is a definite interest in the Pro Se Divorce Clinic and a sample of the program that Allen county uses is attached. This will be

reviewed during the next program year. In this same vein, there is also an interest in revising the current pro se divorce forms that one finds in the Clerk's office or in the public library. We would like to use the existing bar associations for this task so that all revisions comply with local rules. Because of the concern that some attorneys may feel that this is taking away clients that could be paying for services, a separate subcommittee will do a more thorough review. (See report 9)

4. Timeline for Development of Program Year 2001. At this time the District Committee has set the following timeline for the next program year. This is intended to be flexible as the program grows.

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|------------------|---|
| July 11, 2000 | Scheduled meeting of Committee to review annual report and address see attorney recruiting progress |
| August 1, 2000 | Start solicitation of private funding
Continue recruiting of attorneys in the program
Continue development of public relations plan
Continue development of training plans for new attorneys
Encourage existing Teen Court Program with volunteer attorneys |
| October 1, 2000 | Recruit District Plan Administrator
Apply for grants on the funding schedule
Review possible Pro Se project seminars and or forms
Set up Committee Structure and Advisory Board Procedures and terms |
| December 1, 2000 | Hire District Plan Administrator
Hold public relations event to publicize program and attorneys involved
Have attorney training scheduled for first half of 2001 |
| February 1, 2001 | Make sure IOLTA funding requests are on schedule
Continue to seek private funding group presentations
Meet with judges of seven counties for input and assistance
Make presentations to agencies to assess needs and input |

- April 1, 2001 Set up procedures to evaluate existing program
Determine needs to improve and expand services
- June 1, 2001 Hold public forums to get community input
Continue planning of public relations program
Start planning for needs and budget of 2002
Determine scheduled tasks for remainder of 2001
Set up plan for the year 2002

5. Goals for 2001 The District Committee has set the following goals for the calendar year of 2001.

- a. Make available Pro Bono legal services in Scott, Washington and Orange Counties
- b. Provide a variety of new opportunities for attorneys to provide pro bono legal services
- c. Increase by 25% the amount of attorneys involved in Clark, Floyd, Harrison-Crawford counties
- d. Raise \$20,000 in private funds for the pro bono program
- e. Increase by 25% the amount of cases handled through the pro bono legal services program
- f. Set up the committee structure and the mechanism to keep it running
- g. Develop a seven-county community awareness of this program and how it can help low income families

Respectfully Submitted,

Cecile A. Blau, Judge
Clark Superior Court II
Chair, District 14

PRO BONO COMMITTEE MEMBERS

Magistrate Ken Abbott
c/o Clark Superior Court No. 3
City-County Building
Jeffersonville, IN 47130
(812) 285-6316

Barbara Anderson
917 Assembly Road
Jeffersonville, IN 47130
(812) 288-4280
BAnd4280@aol.com
Haven House - (812) 284-3373 Ext
105

Judge Cecile Blau
Clark Superior Court No. 2
City-County Building
Jeffersonville, IN 47130
(812) 285-6333
cblau@Protegra.net

Linda Bourne
1006 Bluff Ridge Road
New Albany, IN 47150
(812) 288-1067
admin@clarkhelp.com

Mark and Kathleen Clark
4202 MacGregor Place
New Albany, IN 47150
(812) 949-9298

Brian Dotts
Legal Services Organization
3303 Plaza Drive
New Albany, IN 47150
(812) 945-4123
Brian.Dotts@lsoi.org

Lynne E. Ellis
Duncan & Ellis, P.C.
551 S. Maple
French Lick, IN 47432
(812) 936-7288

John T. Evans
219 N. Capitol Avenue
P.O. Box 640
Corydon, IN 47112

(812) 738-2100

Leah Fink
209 N. Capitol Avenue
Corydon, IN 47112
(812) 738-6100

Greg Gapsis
8175 Old Vincennes Road
Greenville, IN 47124
(812) 923-7696

William J. Green
P.O. Box 333
Salem, IN 47167
(812) 883-0220
wjgreene@wcrtc.net

Shirley Hawkins
Harrison Co. Community Services
101 Highway 62 NW
Corydon, IN 47112
(812) 738-8143
Shawkins10@aol.com

C. Mark Henderson
169 Woodland Drive
New Albany, IN 47150
(812) 948-4808

Robert Houston
49 E. Wardell Street
Scottsburg, IN 47170
(812) 752-5920

Pat Jewell
Lifespan Resources
P.O. Box 995
New Albany, IN 47151-0995
patjewell@lifespan resource.org

Neal Kench
Corydon Christian Church
216 Mulberry
Corydon, IN 47112
(812) 738-3939

Gary Leavell
1411 Sportsman Drive
Jeffersonville, IN 47130
(812) 283-8652
Workforce Development Center
3310 Grantline Road
New Albany, IN 47150
(812) 948-6102

David A. Lewis
425 Watt Street
Jeffersonville, IN 47130
(812) 282-8429

Rebecca L. Lockard
Attorney at Law
411 Watt Street
Jeffersonville, IN 47130
(812) 288-4326

Greg Reger
Lorch & Naville
506 State Street
New Albany, IN 47151-1343
(812) 949-1000
(812) 949-3773 (Fax)

Mark Robinson
LSO of Indiana, Inc.
3303 Plaza Drive
New Albany, IN 47150
(812) 945-4123 ext. 28
mark.robinson@lsol.org

Rebecca Watson
637 Higgins Drive
Jeffersonville, IN 47130
(812) 283-0567

James N. Williams
MIDDLETON & REUTLINGER
2500 Brown & Williamson Tower
Louisville, KY 40202
(812) 584-1130 Ext. 283

John Woodard
WYATT, TARRANT & COMBS
P.O. Box 649
New Albany, IN 47150
(812) 945-3561

LIST OF APPENDICES

1. Updated list of District 14 Pro Bono Committee
2. Floyd County Pro Bono Plan
3. Attorneys Helping at Haven House
4. Proposed Budget for 2001
5. Public Relations Report
6. Funding Source Report Attachments C & D
7. Training Report
8. Teen Court Packet
9. Allen County Pro Se Divorce Clinic